

**Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ**



**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

19 July 2011

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 20 July 2011

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet which contains consultations and supplementary information received since the Agenda's publication:-

Late Sheet 10.00 AM Session

3 - 42

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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LATE SHEET

10.00 AM MEETING

DEVELOPMENT MANAGEMENT COMMITTEE – 20 JULY 2011

SCHEDULE B

Item 7 (Page 15-214) – CB/10/04238/FULL – Tesco Stores Ltd, Vimy Road, Linslade, Leighton Buzzard.

Additional Consultation/Publicity Responses

National Market Traders Federation: Dunstable and Leighton Buzzard Branch – Objection.

- Dating back to 909AD, market has never faced such testing times – changes in trading laws and regulations have contributed to decline and proposal is seen as major blow to market's long term survival.
- High Street, which is hub of town, could diminish as shoppers will be taken away from centre; whole community feel could be lost and never return, for example, Asda's arrival in Dunstable has crippled once thriving market – where there were 150+ stalls, there is now just handful, where there was healthy, vibrant town, there is now legacy of empty, derelict shops.
- Leighton-Linslade is still full of good shops, although it is not as busy as it once was; it still has much to offer and with careful, sympathetic planning could become better still.
- Tesco proposal will not deliver optimistic future for town; it goes against Town Council's Big Plan and Government's plans for town centre regeneration.
- Plan to develop Land South of High Street could lead to major high street names coming to town; increased footfall would be major bonus to town; this sort of forward planning keeps everything central thus giving High Street much needed boost, whereas Tesco plan would leave town 'high and dry'.
- Proposal could lead to traffic problems which could have knock on effect elsewhere.
- With loss of Homebase, public would go to other towns for their DIY goods; if public has to go out of town to find goods/services, they tend to stay away for good – shopping habit can therefore have damaging effect on all of High Street.

Letters of objection have been received from residents of following addresses

<p>Appenine Way – 36 Bideford Green – 252, 362 Brookside Walk – 13 Byford Way – 6 Camberton Road – 58, 67 Church Road – 11 Coniston Road – 30 Grange Close – 3, 62 Hartwell Grove – 5 Highfield Road – 44 Hockliffe Street – 38 King Street – 32 Kiteleys Green – 15 Ledburn Grove – 1 Leopold Road – 1 Manor Court – 8 Maree Close - 5</p>	<p>Mowbray Drive – 29 New Road – 27, 29 Nicholson Drive – 51 Old Chapel Mews – 7 Orchard Drive – 5 Princes Court – 10 Redwood Glade – 30 Rock Lane – 13 St Andrews Street – 5 Southcourt Avenue – 50 Southcourt Road – 8, 13 Stanbridge Road – 132 Station Road – 3 Stoke Road – 65, Woodlands Taylors Ride – 2a Vandyke Road – 116 Weston Avenue – 75</p>
<p>Little Orchard, Billington 14 Brownlow Lane, Cheddington 15 Birds Hill, Heath and Reach Mansheve, Reach Green, Heath and Reach 11 Leighton Road, Heath and Reach 2 Spinney Court, Heath and Reach Holly Grange, Hollingdon 90 Castle Hill Road, Totternhoe 23 Leighton Road, Wing</p>	

Petition against proposed extension to Tesco store

Petition (organised by I Love Leighton Buzzard and South Bedfordshire Friends of the Earth) signed by **1,893** local residents, shoppers, traders and visitors to town objecting to proposals on grounds that:

- It risks harming or stopping development of land South of High Street for bigger range of shops, especially clothing shops such as Marks and Spencers.
- It risks many small independent shops in town centre and market closing down, as has happened in other towns with large Tesco stores and thus losing unique market town feel of Leighton-Linslade.
- There will be big increase in traffic with possibly traffic lights on West Street – this could choke town through increased congestion.
- Tesco is on wrong side of town – most of population is on other side of town centre and new housing growth will be in east of town.

Petition in favour of proposed extension to Tesco store

Petition (organised by Tesco) takes form of identical letter signed by **89** individual supporters. Letter states that:

- Would like to pledge support for extension which would improve range of goods that will be available and will make store more customer friendly.
- Support also creation of more jobs for local people, more investment in Leighton Buzzard and better links for pedestrians from store to town centre.
- Strongly urge Council to approve extension plans which will save people having to travel out of town for better choice in shopping

Postcards

Under banner – *NO TESCO EXPANSION* – postcards (submission of which has been organised by I Love Leighton Buzzard and South Bedfordshire Friends of the Earth) incorporate following objections to proposed development.

- Shoppers want shopping choice in Leighton Buzzard, not bigger Tesco. Request Central Bedfordshire Council not to approve expansion of Tesco, but to pro-actively lobby for and encourage wider range of shops in Leighton Buzzard town centre.
- 94% of people surveyed by I Love Leighton Buzzard want wider range and choice of shops. Shoppers want variety of shops in town.
- Tesco has openly stated that it will only sell lower range of clothing, if it expands. Shoppers want more choice of better quality clothes shops.
- People in Leighton Buzzard should not need to travel 14 miles to Milton Keynes to have choice of shops for clothes, footwear etc. Shoppers want to shop locally.

Postcards have been received from residents of following addresses.

Albany Road – 13, 19, 25, 34	Laburnum Court – 36
Appenine Way – 46	Lammas Walk - 4
Aquila Road – 12	Laurel Mews – 6
Ascot Drive – 27	Leedon Furlong – 9
Ashwell Street – 41, 46	Lime Grove – 21
Badgers Brook – 17	Lindler Court – 39
Barleycorn Close – 2	Linwood Grove – 54
Bideford Green – 107, 148, 245, 410, 420	Magnon Court – 19
Billington Road – 7	Manor Court – 8
Bramble Close – 6	Market Square – 25
Bridge Meadow, Leighton Road - 6	Marley Fields – 107, 145
Brook Street – 26	Meadow Way – 139, 141, 151, 175
Brooklands Avenue – The Orchards	Melfort Drive – 55
Brooklands Drive – 32, 114	Mentmore Gardens – 7
	Middle Green – 10

<p>Brookside Walk – 26 Broomhills Road – 8 Bushell Close – 24 Byford Path – 6 Byford Way – 11 Camberton Road – 45 Capshill Avenue – 20, 24 Carlton Grove – 10 Centauri Close – 2 Cetus Crescent – 40 Chelsea Green – 29 Chiltern Gardens – 14 Church Avenue – 17 Church Road – 17 Church Street – 14, 53, 78 Clarence Road – 124 Columba Drive – 32 Coniston Road – 39a Copper Beech Way – 2, Shepherds Maze Corbet Ride – 41, 64 Cormorant Way – 81, 97 Cotefield Drive – 107 Crossway – 6 Danes Way – 31, 52, 57, 75 Derwent Road – 60, 66, 92 Dimmock Close – 5 Dove Tree Road – 12 Draper Way – 12 Dudley Street – 31, 43, 52 Esmonde Way – 25 Finch Crescent – 34 Garden Leys – 14, 16, 26 George Street – 8, 41, 57 Gibson Drive – 69 Grange Close – 69 Grasmere Way – 16, 46, 280 Greenhill – 11 Grove Road – 3 Grovebury Road – 15 Harcourt Close – 8, 23 Harrow Road – 27, 113, 117, 137 Hartwell Crescent – 24 Hartwell Grove – 2 Heath Court – 31 Highcroft – 7 Highfield Road – 44 Himley Green – 29, 56, 94 Hinton Close – 15 Hockliffe Road – 29, 30, 135 Hockliffe Street – 3, 38, 68 Hydrus Drive – 2 Johnson Drive – 11</p>	<p>Middleton Way – 48 Milebush – 2a, 9 Miles Avenue – 27 Millstream Way – 6 Monarch Way – 31, 36, 67 Moorhouse Path – 2 Mowbray Drive – 46 Nebular Court – 5 Nelson Road – 13, 86 Old Road – 19 Orchard Drive – 42 Orion Way – 1 Park Mews – 6 Pennivale Close – 31 Phoenix Close – 7 Plantation Road – 51, 92, Woodlands Plover Road – 18 Princes Court – 3, 6 Regent Street – 70 Riverside – 2 Rock Lane – 16, Dormas Roosevelt Avenue – 51 Rosebery Avenue – 4, 47, 48 Rothschild Road – 10 Roundel Drive – 19, 22, 72 Russell Way – 11, 80 St Andrews Street – 15 St Georges Court – 8 St Leonards Close – 30 St Marys Way – 33 Sandy Lane – Sussex Lodge Saxons Close – 13 Shenley Hill Road – 22 South Street – 15, 20, 25, 47, 96 Springfield Road – Springside Hall Stanbridge Road – 125, 132, 138, 174, 176 Stanbridge Road Terrace – 8 Steppingstone Place – 18 Stoke Road – 29, 37 Taylors Ride – 35 The Chilterns – 19, Hollyoaks Cottage The Gables – 13 The Maltings – 42 The Martins Drive – 15 Tudor Court – 9, 26 Vandyke Road – 40, 59, 164 Vicarage Gardens – 1 Victoria Terrace – 5 Vimy Road – 24 Waterdell – 87 Waterloo Road – 7 Wentworth Drive – 11</p>
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Jupiter Drive – 8, 24, 53, 57, 59	Westside – 7
Ketsrel Way – 39	Willow Bank Walk – 3, 77
King Street – 9, 22	Windsor Avenue – 42
Kingfisher Drive – 4	Wing Road – 93
Kiteleys Green – 33	Woodman Close – 15, 34, 41
Knaves Hill – 72, 95, 135, 147	York Court - 8

<p>Billington – 16 Hillview Lane Bragenham – Ludley Cottage Cheddington – 101 Church Hill, Beechwood Mentmore Road Dunstable – 107 Beecroft Way, 17 Bowland Crescent, 79 Mayfield Road East Bridgeford, Notts – 25 Kneeton Road Eaton Bray – 45 Church Lane, 32 High Street, 6 Lords Mead, 7 Summerleys, 20 The Nurseries, 22 The Orchards Edlesborough – 3 Chiltern Avenue Eggington – Lyna Lodge High Street, Selrose Gawcott, Bucks – Leyland Farm, Preston Road Glasgow – 64 Riddrie Knowes Great Brickhill – 1 Holts Green, 17 Stoke Lane Heath and Reach – 6 Abbey Walk, 15 Birds Hill, 8 Lanes End, 11 Leighton Road, 43 Linslade Road, 22 Thomas Street, 20 Woburn Road Hockliffe – 37 Manor Avenue, St Elmo Watling Street Hollingdon – Holly Grange Ledburn – 2 Manor Farm Lane Lichfield, Staffs – 52 St Michael Road London – 26 Cavendish Road, 50 Summerlee Avenue East Finchley Luton – 8 Rannock Close Sundon Park Mentmore – School House, The Coach House, The Old Fox 9 The Green Milton Keynes – 1 Beaufort Drive Willen, 15 Chawton Crescent Great Holm, 27 Lammas Beanhill, 17 Stoke Lane Northall – The Cottage Leighton Road Nottingham – 1 Park Mews Mapperley Park Pitstone – 179 Vardley Avenue Romford – 9 George Close Slapton – 19 Horton Road, 35 Horton Road, 40 Mill Road, 3 Rectory House Soulbury – Stapleford Cottage Annexe Stanbridge – 30 Peddars Lane Stewkley – 7 Fishweir, 9 Orkney Close Tebworth – Rowan House Tilsworth – 30 Stanbridge Road Tring – 25 Pirton Road Wing – 32 Chetserfield Crescent, 39 Moorlands Road, 4 New Zealand Drive, 26 Stewkley Road Wingrave – Tudor Barn</p>
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Additional comments set out on postcards include:

- Please halt expansion of this dreadful company that has ruined high streets of so many towns, making them clones of each other – need diversity, not conformity.

- Leighton-Linslade is small market town – should be kept that way; it is so important to retain market town identity.
- Tesco is too big already, absolutely no need for expansion; there is enough choice of supermarkets.
- Proposal will harm local shops, local businesses will suffer – concerned about street market dwindling, shops closing, Tesco taking over.
- Large supermarket does not need to take all trade to kill town centre – taking extra 10% could kill off half of shops.
- Do not want another ghost town – needs central shopping area, not empty one; look at Dunstable, enough said.
- More competition, not less – restricting choice for people through encouraging monopolistic practices is unhealthy.
- Local small businesses are unable to compete with Tesco prices; if small businesses are not supported, town will lose them altogether.
- Tesco is not interested in town's community, only profits.
- Need to keep Homebase – will lose only outlet for decorating supplies.
- Tesco's location between Leighton Buzzard and Linslade causes constant almost gridlock; increased traffic to already congested roads; increased noise to local residents on 24-hour basis.
- Not convinced proposal will add jobs – consider it will only put pressure on jobs in High Street; if Tesco expands, only local people should be offered new jobs – certainly no foreign recruitment.
- Tesco do not use local suppliers.
- Contrary to PPS4 (*Planning for Sustainable Economic Growth*).

Leighton Buzzard Observer poll

Local newspaper, Leighton Buzzard Observer (LBO), has submitted final results of poll of its readers' opinions on proposed development.

Total number of votes submitted via LBO website and on forms printed in newspaper:
1,108

Votes in favour of proposal: 188 – **17%**

Votes against proposal: 913 – **82%**

Undecided: 7 – **1%**

These figures may be broken down as follows.

LBO website vote

Votes in favour of proposal: 153 – **24%**

Votes against proposal: 466 – **75%**

Undecided: 7 – **1%**

LBO printed forms

Votes in favour of proposal: 35 – **7%**

Votes against proposal: 447 – **93%**

Additional comments:

Tesco's fall-back position

It should be noted that Tesco does not need to construct the proposed store extension in order to sell comparison goods from the Vimy Road site. The company owns the Homebase store and the land on which it stands and could, therefore, use the Homebase store for retailing when it becomes vacant. The purpose of the current application is to enable Tesco to provide an enhanced range of both convenience and comparison goods all under the one roof.

A condition imposed on the original 1990 permission for the Homebase store restricts the range of goods that can be sold from the unit to the following.

Paint, Woodcare, Decorating accessories, Wall coverings, DIY tools, Timber, Building products, Insulation and double glazing, Electrical, Plumbing and heating, Car care, DIY hardware, Shelving and storage, Home security, Kitchens, Bathrooms, Wall tiles, Flooring, Dining and occasional furniture, Bedrooms, Garden furniture, Garden chemicals and fertilisers, Horticultural livestock, Outdoor buildings such as conservatories, Garden tools, Home textiles and furnishings, Lighting, Housewares, Confectionery, Books and magazines, Pantry.

In 1998, permission was granted to vary the subject condition to allow the occupiers of the Homebase unit to sell Building, Plumbing and Decorating materials and Power tools related to DIY activities, Garden centre products and sundries, Flat pack furniture, Floor coverings, Soft furnishings.

The principal omission from these lists of goods is clothing. To sell clothing in the re-branded Homebase unit, would require a further variation of the subject condition. It may be difficult to resist such a proposal, given that shoppers expect to be able to purchase a range of clothing from the larger supermarkets such as Tesco, Sainsbury and Asda.

It is important to note also that the sales area of the Homebase store is **3,821m²**. The existing and proposed comparison net sales area in the Tesco store would be **1,480m²**. Accordingly, the demolition of the Homebase store and the erection of the proposed extension to the Tesco store would result in a net loss of comparison sales area at the Vimy Road site of **2,341m²**.

Section 106 Agreement

Since the Main Agenda report was completed further details of the proposed Section 106 Agreement are available for consideration.

The public realm enhancement beside the Leighton Road frontage is likely to cost in the region of £200,000.

Aside from the new zebra crossing proposed for Leighton Road, the sustainable transport initiatives within the vicinity of the site should include improvements to the pedestrian environment along the southern side of Leighton Road. Here there are 8 service roads and the proposed works would involve raising the footway to afford pedestrians obvious priority at these junctions. In addition, the possibility of widening to 3m the existing link between the canal towpath and the car park should be investigated. This would involve British Waterways land.

A financial contribution of £10,000 would be made towards the installation of Real Time Passenger Information signage near the store entrance.

A financial contribution of £125,000 would be made towards the provision of a part-time or full-time Town Centre Manager.

A financial contribution of £75,000 would be made towards improvements to the appearance of shopfronts and pedestrian links within the town centre.

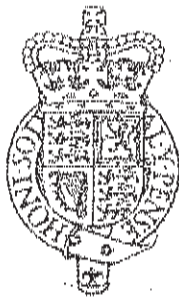
A financial contribution of £35,000 would be made towards public art.

The question of how to secure the provision of the proposed canalside café/restaurant is under consideration. The new building is likely to be occupied on a franchise basis; it would not be a Tesco business. If Tesco was required to construct the building to 'shell and core' and then failed to find an occupier, it could remain vacant for some time. If it then attracted vandalism, it would become an eyesore, thereby detracting from the public realm enhancement and the appearance of the canalside.

Appendices

Copies of the following documents are appended to the Late Sheet:

- The appeal decision dated March 2003 in respect of planning application reference SB/TP/2000/0401.
- Letter dated 15th July 2011 from Charlie Hopkins, Planning and Environmental Consultant (on behalf of South Bedfordshire Friends of the Earth).
- Comments dated 15th July 2011 from Colin Ashby (on behalf of I Love Leighton Buzzard).



Appeal Decision

Inquiry opened on 11 February 2003

Site visit made on 13 February 2003

by **John L Gray** DipArch MSc Registered Architect

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

11 MAR 2003

Appeal Ref. APP/N0220/A/02/1095401

Tesco Stores Limited, Vimy Road, Leighton Buzzard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Limited against the decision of South Bedfordshire District Council.
- The application (ref. SB/TP/2000/0401), dated 27 April 2000, was refused by notice dated 23 January 2002.
- The development proposed is an extension to the existing store and ancillary works.

Summary of Decision: the appeal is dismissed.

The Proposal

1. The existing Tesco store has a floor area of 4,426sqm gross, 2,735sqm net. Condition 13 attached to the planning permission for the store, granted in 1989, restricted sales to 'food and drink and other convenience goods (as defined by the Unit for Retail Planning Information)' – because the Council was not satisfied that unrestricted retailing 'would not have an adverse effect on the viability of the Leighton Buzzard town centre'. Tesco has been in breach of that condition – though that is not a matter before me in this appeal. A separate planning permission enabled the use of 25sqm as a pharmacy.
2. The proposal is to extend the store by 1,357sqm gross, giving an additional 1,110sqm net. That is a 30% gross increase, 40% net. The extension is to enable an additional 486sqm convenience sales floorspace and 526sqm durable sales floorspace, plus 98sqm non-sales floorspace and 247sqm for storage and offices. Existing durable sales floorspace was given as 163sqm, which does not include the pharmacy (and, as it transpired late in the inquiry, apparently does not include healthcare and baby goods). The location for the extension means that the present 464 car parking spaces would be reduced to 412.

Planning Policy

3. The Development Plan for the area comprises the *Bedfordshire Structure Plan 1997* and the *South Bedfordshire Local Plan 1995*. In the Structure Plan, Policy 50 identifies Leighton Buzzard as a major town centre and Policy 51 sets out a number of measures by which the vitality and viability of existing centres will be maintained and strengthened. In the Local Plan, Policy SH7 sets criteria against which proposals for out-of-town and out-of-centre food and non-food retail developments will be considered.
4. The emerging First Review of the Local Plan is well advanced, Proposed Modifications being on deposit at the time of the inquiry. Policy TCS6, the proposed amalgamation of Policy SH6 (referred to in the reason for refusal) and Policy TC6, states that 'applicants for planning permission for major retail ... developments, or extensions to existing developments outside the town centres, ... must demonstrate that there are no suitable town

centre sites ... or edge of centre sites ...'; out-of-centre development will be permitted only if criteria on need, vitality and viability, character and environment, accessibility, car journeys and the transport network have all been met; where possible proposals should be combined with existing out-of-centre development.

5. The *Leighton Buzzard Town Centre Strategy*, approved in 1997, advocates (amongst other things) encouraging a range of uses in Bridge Street (at the west end of the town centre, on the route towards Tesco) and creating 'a continuous attractive route between Tesco and Bossard Centre' (now refurbished and renamed the Waterborne Centre).
6. National policy guidance is to be found in PPG6 *Town Centres and Retail Developments* and PPG13 *Transport*. PPG6 post-dates the Local Plan. PPG13 post-dates both Plans. The Local Plan review clearly attempts to translate national guidance into local policy – but it has yet to be adopted. It is this chronology, and the consequent weight attributable to the various policy statements, that influences my framing of the main issue.

Main Issue

7. I consider that the main issue in the appeal is whether the proposed introduction of durable goods sales would be consistent with planning policy guidance in PPG6, as subsequently elaborated upon by Ministerial and Governmental statements.

Reasoning

8. The Council accepts that the store is over-trading to a significant degree. It acknowledges that some additional 'elbow room' would ease congestion in the store and contribute to a better shopping environment. It accepts that additional convenience goods sales would not have an unacceptable impact – because it would fall on the other large convenience goods retailers (primarily Safeway and Waitrose), who are also over-trading.
9. There is no highways objection – not to the reduced car parking provision, which would be in line with the guidance in PPG13, nor to vehicular access, nor to the impact of additional traffic on Leighton Road east and west of the Vimy Road junction. The S106 obligation includes measures that address the County Council's concerns as highway authority – widening the exit lanes from Vimy Road and linking the Vimy Road traffic signals with those at Wing Road and those shortly to be installed at Bridge Street.
10. Nor is there any objection to the design or appearance of what is proposed – although conditions are suggested to control materials and landscaping.
11. The reason for refusal of the application refers specifically to the comparison goods impact 'it is believed would arise from the proposed extension'. The types of goods that would be sold were described at the inquiry as healthcare products (soap to cosmetics), household goods (such as kitchen hardware, bathroom accessories and cleaning items, including brooms and buckets), books, CDs, toiletries (including first aid items), a limited range of clothing and electrical items (the latter including kettles, irons, CD players and occasionally TVs and computers in very limited ranges) and seasonal goods. Not all of these are naturally associated with the offer of a food store. On the other hand, as I saw at the Asda store in Dunstable (and have noticed elsewhere), clothing, electrical items, gardening goods, books and CDs are increasingly commonly to be found in superstores, even if in modest quantities and apparently ancillary to the main food offer. On the other hand, the Asda store looks to be at least on the edge of, if not within, Dunstable town centre – which may have influenced the terms on which planning permission was granted.

12. As I see it, therefore, the main issue comes down to whether it would be appropriate to have about 690sqm of floorspace at the Tesco store (163sqm existing plus 526sqm proposed) devoted to selling the durable goods described above. The location of the store in relation to the town centre, the need for the proposal and the sequential test are, in my opinion, matters reasonably to be addressed in assessing the likely impact.

Location and linked trips

13. At present, the store entrance is 400m from the town centre, 620m from the primary retail frontage. As proposed to be extended, the distances would be 373m and 593m respectively. In terms of the guidance in PPG6, which suggests 200-300m, the store's location is out-of-centre rather than edge-of-centre. And, quite apart from the distance the store is set back from Leighton Road, there is also a clear visual break between the edge of the town centre, in Bridge Street, and the Vimy Road junction. The route is flat – and thus easy to walk. In Bridge Street, it is pleasant. The northern side of Leighton Road offers the safer pedestrian route but involves crossing both Vimy Road and Leighton Road, busy roads when I was there. The footway on the southern side of Leighton Road is interrupted by numerous accesses to commercial properties.
14. The highway improvements proposed by Tesco and the County Council would not alter the distances, nor the general environment – but they would favour the walk along the northern side of Leighton Road by providing controlled crossing points of both Vimy Road and Leighton Road. Direct access to the Vimy Road junction from the south-eastern corner of the car park would allow car-borne shoppers a shorter walk to the town centre, consistent with the guidance in PPG6. It would not benefit shoppers arriving in the town centre by other means who might wish to walk to the Tesco store – though those people at least have the option of going to what appears to be a buoyant Waitrose store in the town centre itself.
15. There may well be a significant number of Tesco customers who make linked trips to the town centre. And there will be those who park at Tesco to visit the town centre. But evidence on the level of those trips is not conclusive.
16. The Tesco survey shows that 6% of the customers interviewed visited the town centre that day for non-food shopping, 6% for financial services, 3% for food shopping and 6% for other reasons – but the sum total of 21% could well include some double counting. And there is no indication of whether those visiting the town centre walked or drove. The sum total of 64% who had ever combined shopping at the store with a visit to the town centre is similarly open to question. The customer interview survey organised by Boreham shows that 7% (Friday) and 22% (Saturday) of those interviewed were also visiting the town centre. The pedestrian interview survey is of no further help. Because the interview point was outside the car park, the survey cannot express the numbers walking to the town centre as a percentage of total Tesco shoppers – the figures it gives do no more than identify the destinations of those walking away from the car park.
17. The appellant says that the 2000 household survey shows some 35% of Tesco shoppers undertaking a linked trip – very much higher than one might gauge (22% maximum) from the two customer surveys. The survey question was whether the shopper 'normally' visited the town centre as well – so the actual proportion of linked trips is likely to be significantly smaller. The Council says that the same household survey showed 21% linked trips. I do not know how two expert witnesses come to such different conclusions – but the Council's view at least tallies with the other survey results. Hillier Parker found in 1997 that 55% of Tesco customers made linked trips to the town centre for financial services, 21% for other

shopping and 15% for other services – but the evidence I have is silent on whether those trips were made normally, regularly or just occasionally.

18. All told, the evidence does nothing to dissuade me from treating the store as out-of-centre rather than edge-of-centre. Hillier Parker found that 92% of those making linked trips did so by car, which tends to support that conclusion. The household survey showed 44% of people normally doing their food and grocery shopping at Tesco, more or less the same percentage as shopped at Waitrose, Sainsbury and Aldi put together. That may make Tesco the anchor store for Leighton Buzzard so far as convenience shopping is concerned – because it attracts many more customers than the other food stores – but I think there is good reason not to place too much weight on that.
19. If one assumes a 22% incidence of linked shopping trips from the Tesco store to the town centre (consistent with the maxima in the Tesco and Boreham surveys) and equates that with 22% of the store's estimated turnover of £30.68m in 2005), then the Somerfield survey suggests that linked trip expenditure could amount to £0.67-£1.42m, depending on whether one sees the store as out-of-centre or edge-of-centre. The total turnover of the town centre is estimated at £47.59m in 2005 (Mr Arnold's Appendix 11 – £29.88m comparison goods expenditure from Table 14 and £17.71m convenience goods expenditure from Table 5, adding together the turnovers from Waitrose, Iceland, the market and local shops). At best, linked trip expenditure from the Tesco store amounts to about 3% of that, which I do not consider justifies the description of anchor store for the town centre. In my opinion, the Waitrose store, in the town centre, with turnover estimated at £15.18m in 2005, and with likely linked trip expenditure of about £3.21m (derived from the figures in the Somerfield study) is, in monetary terms, very much more deserving of the term.
20. It may be incorrect to apply the findings of the Somerfield study as I have done above. Firstly, the study says that the overall incidence of linked trips was 46% and it does not differentiate according to store location. I find that strange – because I am sure that town centre stores must generate a higher proportion of linked trips than out-of-centre stores. Perhaps the study accounts for that in the different rates of expenditure generated from town centre, edge-of-centre and out-of-centre stores. Secondly, the 46% linkage is the percentage of shoppers, not turnover – although there is no indication of how one might relate one to the other. Thus, one can perhaps do best by taking 46% of turnover and then, for the out-of-centre location, 10p/£ of that. That gives linked trip expenditure of about £1.41m, virtually the same as my calculation for surveyed linked trips at Somerfield's edge-of-centre rates.
21. Of course, the Tesco store may have the merit, albeit unquantifiable, of attracting those who "shop in it to shop in Leighton Buzzard for other purposes as well, even if at other times.
22. Also, irrespective of just how many linked trips are presently being made, the proposed highway improvements would likely encourage more people to walk between the Tesco store and the town centre. A proposal that would bring enhancement of the existing links may be welcomed at least on that basis.

Need

23. Qualitative and quantitative need are not disputed in convenience terms – and can clearly only be met by extension of the existing store. The site-specific convenience need cannot, however, be widened to justify an extension to be used for the sale of comparison goods.
24. Nor do I consider that a convenience business analysis can best estimate the impact of the proposal on Leighton Buzzard town centre. Convenience businesses tend to compete with

- convenience businesses and capacity is relatively easily calculated in those terms. But the point here, it seems to me, is that comparison sales would be introduced where they do not presently exist (at least lawfully) and could thus have an adverse impact on a town centre that might not otherwise be thought to be affected.
25. The comparison goods expenditure available within the study area is agreed as £143.51m in 2005. What is not agreed is the proportion of it that is spent within the area. The Council thinks 25% (£35.88m), the appellant 32.7% (£47.00m). The appellant's figure derives from household survey results that also give Homebase a turnover of £15.45m in 2005, which was agreed to be an anomaly. A more reasonable figure was thought to be in the region of £5.4m. The difference between 25% and 32.7% retention is of the same order as the difference between that and £15.45m. Also, the appellant and the Council were apparently agreed that the retention rate was about 25% before the household survey results were analysed. Thus, in the absence of further explanation or evidence regarding Homebase's turnover, I am content to assume 25% retention for the purposes of estimating need.
 26. On that basis, comparison goods expenditure available to Leighton Buzzard would amount to £35.88m in 2005. Using the long term comparison goods expenditure growth rate of 4.2%, that would rise to £40.75m by 2008. Estimates of the comparison goods turnover of the Tesco store are £0.63m existing and £2.0m proposed. I am not sure how reliable these figures can be since they are based on existing and proposed comparison goods sales areas that both differ from those in the Statement of Common Ground. Also, I think it right to use the total estimate, rather than the proposed increase, since the existing turnover is in breach of condition 13 of the original planning permission. Even so, the estimated £2.00m turnover would be absorbed by something like sixteen months' growth in comparison goods expenditure, which suggests ample quantitative capacity for the estimated comparison goods turnover of the proposed extension.
 27. Turning to qualitative need, I think it too easy to blur the dividing line between, on the one hand, the needs of a convenience store that is over-trading and thus struggling to provide the appropriate quality of service in its core food offer and, on the other hand, the need to expand the non-food offer. Tesco's Mr Potts writes, 'The store will remain essentially and predominantly a convenience outlet, serving the main food shopping requirements of the catchment area, and in order to assist the store to fulfil that role, the proposed extension will serve also to improve the store's ancillary durable goods facility'. The question to be answered is how that durable goods facility can assist.
 28. Tesco's own survey found that 65% and 64% of respondents thought, respectively, that a larger range of non-food items and adult clothing ought to be provided. To my mind, however, a positive answer was highly likely when asked to what extent those things would 'improve your shopping experience'.
 29. It is said that durable goods within the store would be more likely to attract 'one-off impulse purchases in association with a main food shop'. If that is so, there can really be no threat of customers abandoning the store in Leighton Buzzard simply because other stores elsewhere have a greater range of durable goods. Moreover, the existing over-trading in no way suggests that potential customers are already going elsewhere because of a limited durable goods offer. They may be going elsewhere because the store is crowded and does not always have the convenience items they want – but that is wholly different.
 30. It is also said that 'the non-food items to be sold from the store do not allow the public to compare both quality and price with other retailers selling similar goods'. This comment

appears to relate to the comparative isolation of the out-of-centre location – in which case the opportunistic selling of durable goods is much more likely to capture trade that would otherwise have gone to town centre retailers, not to convenience stores elsewhere.

31. Accordingly, I see no qualitative need to retail durable goods. I can understand the desire to do so – if only to match the durable offer of convenience stores in other towns – but that, in my opinion, represents commercial policy, not qualitative need. Indeed, Tesco's Interim Report 2002 states that non-food sales is one of the four key elements of its strategy and that, in the first half of the year, non-food sales increased strongly. It may well be that the strategy has evolved since the Leighton Buzzard store was built – but that is not something that necessarily affects the assessment of qualitative need in the particular case.

Sequential Analysis

32. The Secretary of State has endorsed the class of goods approach rather than a format-driven approach to sequential assessment. The Tesco store is out-of-centre but the durable goods proposed to be sold could be sold within the town centre. It is necessary to look at what opportunities there may be for that to occur in practice.
33. There are no sites allocated for retail development in the Local Plan. The Town Centre Strategy recognises the former cattle market, to the rear of the southern frontage of High Street, as 'the last significant development opportunity in Leighton Buzzard' – but the emerging Local Plan identifies various difficulties to be resolved and suggests that the main land use should be residential. The appellant says that the site is too small for even a small supermarket. But that misses the point of the class of goods approach – it is not a site for a supermarket that is to be investigated, it is a sequentially preferable site (or sites) from which the proposed ranges of durable goods might be sold. That said, even if the cattle market site were thought able to accommodate an element of durable goods retailing, it seems to me highly unlikely to become available within a reasonable period of time.
34. The only other site drawn to my attention is in the Waterborne Centre. Planning permission was apparently granted in 1997 for a shop of some 390sqm as part of the refurbishment of the then Bossard Centre. It has not been implemented but a new application for 450sqm gross area has been submitted to the Council. I do not think it matters that the site lacks rear servicing and is in a secondary location; it seems to me that some of the goods proposed to be sold in the Tesco store – clothing or electrical goods, for example – could readily be sold from this location. Another application recently submitted to the Council involves the existing public house in Waterborne Walk; it would provide three units with 1,000sqm gross floor area (though I suspect the net sales area would be less than half of that). Again, some of what is proposed to be sold at Tesco could be readily sold here.
35. The vacancy rate in Leighton Buzzard is very low – just 6.5%. This means there is very little further scope for additional comparison retailing within the town centre as it stands. However, even if the overall potential is very limited, there are nevertheless two reasonable opportunities, amounting to at least the same floor area, to sell in Leighton Buzzard town centre the types of durable goods proposed to be sold at the Tesco store.

Impact

36. It is difficult to be at all precise about impact on the town centre – not least because of the substantial difference between appellant and Council on what proportion of comparison expenditure is retained within the catchment area. However, as I said above, I am content to assume 25% retention for the purposes of estimating impact.

37. The appellant's and the Council's figures are not very far apart on actual expenditure within the catchment area - £35.29m compared with £39.21m. From the information provided on sales densities, I am sure that the true figure lies somewhere between the two. Assuming 25% retention, or £35.88m available expenditure, the appellant's figures give a surplus capacity of £0.59m, the Council's a deficit of £3.33m. With £0.63m for Tesco's existing durable goods turnover already included, the £1.37m estimated turnover from the extension would lead to a deficit somewhere between £0.78m and £4.70m in 2005. The latter figure would reduce to £1.18m by 2008.
38. The appellant makes three estimates. Firstly, impact on town centre shops would be £0.53m, or just 1.8%. Secondly, comparison goods expenditure from the catchment area is expected to increase by £6.0m annually. Given my assumption of 25% retention, that would mean roughly a £1.5m annual increase in available expenditure. The impact would thus be absorbed in three or four months. Thirdly, the extension is expected to bring a reduction in comparison goods expenditure outflow of £0.82m. I have to doubt this last figure. In theory, if comparison purchases at this or any other Tesco store are likely to be 'one-off impulse purchases', then providing additional floorspace at the Leighton Buzzard store should not claw trade back from elsewhere - because, by that very definition, customers cannot be going to other stores expressly for their durable goods offer.
39. The Council estimates the comparison goods impact on the town centre shops at £1.13m, or 4%. It also sees an indirect impact because convenience trade diverted from Waitrose to Tesco would mean a reduction in linked trip spending in the town centre. I think this is theoretically correct, when one is looking purely at comparison goods impact, but the sums involved would hardly be substantial. The Council estimates a £1.10m convenience impact on Waitrose, which, using the Somerfield study, leads to a net loss of £0.18m in linked trip expenditure. Adding that in would give an overall comparison impact of about 4.6%, which does not seem particularly high.

Conclusion on the Main Issue

40. My conclusions on the various aspects of the main issue are that the existing Tesco store is in an out-of-centre location, that the generation of linked trips is limited (probably no more than 22% of customers), that there appears to be quantitative capacity for comparison goods expenditure (based primarily on the relationship between what is proposed and the annual expenditure growth rate), that there is no qualitative need, that the sequentially preferable options are very limited but at least include two town centre opportunities of amounting to the same area as is proposed for comparison sales and that the impact of the proposed extension in comparison terms would be a modest 4.6% at most.
41. The appellant is correct to say that turnover in town centre shops would quickly return to, and rise above, pre-extension levels. The Council says that this misses the point - that policy looks, first and foremost, to locate new retail floorspace in town centres. I agree with the Council. The first objective of PPG6 is 'to sustain and enhance the vitality and viability of town centres'. The sequential approach 'means that first preference should be for town centre sites'. Mr Caborn's statement, in my understanding, says that showing capacity is not necessarily sufficient to demonstrate need (though it might be in some circumstances). Here, there is that capacity - but in the context of an out-of-centre store limited by condition to selling convenience goods in order not to undermine the town centre. I have found no qualitative need that could justify, itself or in tandem with quantitative need, new out-of-centre comparison goods sales space that would go against that original objective, which is

on all fours with the guidance in PPG6. Government policy takes a 'class of goods' approach to sequential analysis. There is no reason in principle why the comparison goods proposed to be sold at the Tesco store could not be sold in the town centre. It does not need to be Tesco that sells them. And there are two possible town centre sites, which the evidence suggests are both suitable and available, from which those goods could be sold.

42. Accordingly, the proposal fails the test of national retail policy before the trading impact on the town centre comes to be assessed. That the impact would be modest cannot, in my opinion, outweigh the fact that the proposal runs directly contrary to firmly established policy. Quite simply, comparison expenditure potential would go to an out-of-centre location at the expense of the town centre. I consider it insufficient to argue that anticipated expenditure growth would subsequently disguise that loss. I realise that there is scope for argument as to whether some of the durable goods that would be sold (and are presently being sold) should properly be considered comparison goods. But some clearly are (clothing, electrical goods and some household goods for instance). To sell them at an out-of-centre location would fail to sustain or enhance the vitality and viability of Leighton Buzzard town centre – irrespective of whether or not it is a healthy town centre.

Other Matters

43. Two specific decisions on store extensions were referred to in evidence – the Secretary of State's decision on an application in Oldham and an Inspector's decision on an application in Aldershot. Tesco has challenged the Oldham decision in the High Court, which means it would be inappropriate, irrespective of any similarity in the circumstances, to give it weight in coming to my conclusions in this case. In the Aldershot case, the circumstances appear significantly different – not least because the original planning permission did not restrict the range or type of goods that could be sold from the store and it was thus an important consideration that the net sales area for comparison goods could be restricted.
44. It was said that the proposed development would bring several benefits – serving properly the catchment area population, securing sustainable patterns of shopping, improvements to the local highway network, improved accessibility by public transport, a reduction in car parking spaces, a travel plan and job creation. Some would flow from an extension for purely convenience sales, some might be secured by such an extension and jobs would be created whether durable goods sales were in the town centre or at an extended store. None of these benefits is so crucial or unique as to outweigh my conclusion on the main issue.

Conclusion

45. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

46. In exercise of the powers transferred to me, I dismiss the appeal.

Information

47. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

John L Cway Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Mr M Humphries of Counsel	Instructed by the Solicitor to South Bedfordshire District Council.
<i>He called</i>	
Mr C L Tookey BA(Hons) BTP MRTPI	Principal Planner, Hephher Dixon, Town Planning Consultants, Milton Keynes.

FOR THE APPELLANT

Mr K Lindblom QC	Instructed by Berwin Leighton Paisner, Solicitors, 20-22 Tudor Street, London, EC4Y 0AY.
<i>He called</i>	
Mr G C Corrance BSc DMS CEng MICE MIHT	Associate Director, Boreham Consulting Engineers, Brentwood, Essex.
Mr S C T Arnold MA(Cantab) MA(TP) MRTPI MRICS	Managing Partner, Development Planning Partnership, Bedford.

INTERESTED PERSONS

Ms V Harvey	South Bedfordshire Friends of the Earth, 41 Corbet Ride, Leighton Buzzard, Bedfordshire, LU7 2SJ.
Mrs C Parnell	6 Lincombe Slade, Linslade, Bedfordshire, LU7 2SG.

DOCUMENTS

- Document 1 Lists of persons present at the inquiry.
- Document 2 Press notice, notification of inquiry and distribution list.
- Document 3 Eight representations from third parties received before/during the inquiry.
- Document 4 The application plans – drawings nos. 319099/05; 2825.99.02/C, 04/A, 11, 12, 13/B, 14/B and 15/B; 2825.00.50/B and 51/B; 2591/02 (two copies – existing and proposed), and F/EXT/782/SK07/A.
- Document 5 Statement of Common Ground.
- Document 6 Appendices to Mr Tookey's evidence (entitled as those of Mr Potts).
- Document 7 Appendices to Mr Corrance's evidence.
- Document 8 Appendices to Mr Arnold's evidence.
- Document 9 S106 planning obligation.
- Document 10 Addendum to Statement of Common Ground.
- Document 11 Extract from Tesco plc Interim Report 2002.
- Document 12 Suggested conditions should the appeal be allowed.
- Document 13 Leighton Buzzard Town Centre Strategy, November 1997.
- Document 14 Supporting Planning Statement for a proposed extension to the Asda store at Lammascote Road, Stafford.
- Document 15 Tables 4.10 and 5A from Volume 2 of the Leighton Buzzard Retail Study 1997 (Volume 1 is at Document 8, Appendix 7).
- Document 16 Estimate of Leighton Buzzard's market share of comparison goods expenditure.
- Document 17 Extract from Proposed Modifications, January 2003, to the emerging South Bedfordshire Local Plan.
- Document 18 Petition submitted by South Bedfordshire Friends of the Earth.
- Document 19 Extract from Consumer Retail Expenditure Estimates for Small Areas (1995).
- Document 20 Papers relating to the High Court challenge to the Secretary of State's decision on an application to extend the existing Tesco store in Oldham.
- Document 21 Sample questionnaire for the survey at Document 7, Appendix 20.
- Document 22 R v Hambleton District Council *ex parte* Somerfield Stores Ltd, CO/824/97.
- Document 23 Chichester District Council v the Secretary of State for the Environment and Chartwell Land Properties Limited, CO/606/98.
- Document 24 Plan SA1 – Isochrone, Shopping Provision and Survey Zone Plan.
- Document 25 Plan SA2 – Land Use and Planning Context Plan.

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Priory House, Monks Walk,
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SG17 5TQ

15 July 2011

Our Ref:CVH/HAR

Dear Sirs,

RE: Planning Application Ref. CB/10/04238/FULL – Tesco, Linslade.

We act for South Bedfordshire Friends of the Earth, and are instructed to comment on the Officer's Report (OR) produced for the Development Management Committee (DMC) of Central Bedfordshire Council (CBC) which will meet to determine the above-mentioned planning application on 20 July 2011. This letter should be read in conjunction with the objection previously lodged by S Beds FoE. We set out our comments below.

Planning in favour of sustainable development.

The OR places significant weight on the draft wording of a presumption in favour of sustainable development which, it is proposed by the Government, will be incorporated in a new National Planning Policy Framework (NPPF). It is intended that the NPPF will replace both Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs). At the present time a draft NPPF is not yet available, and has yet to be released for public consultation.

The OR (p48) cites 3 bullet points from the draft presumption, and states that all of the

“policies should apply to the determination of this application unless the adverse impacts of allowing the development would significantly and demonstrably outweigh benefits when assessed against the policy objectives in the NPPF taken as a whole.”

There is a particular and significant problem with adopting this approach advocated by the OR. Absent the publication and adoption of the NPPF, it is impossible to assess what the specific policy objectives referred to in the OR actually are, and therefore impossible to judge whether any application, on balance, is compliant with those policy objectives.

Whilst it may well be Government's intention to introduce such a system of assessment in the future, and to introduce a presumption in favour of sustainable development, until the

NPPF is adopted as policy, planning applications must continue to be assessed and determined in accordance with the adopted Development Plan.

This situation has parallels with Government's stated intention to abolish Regional Spatial Strategies (RSSs). Recent case law has reiterated that despite the stated intention of Government, until such time as RSSs are actually abolished they remain an integral part of the Development Plan, and as such, are a material consideration in the determination of planning applications. This judicial view was confirmed as recently as 5 July 2011 in a judgement given by Mrs J Davies in *Resource Recovery Solutions v Secretary of State for Communities and Local Government* [2011] EWHC 1726, which considered, and followed, the leading case on this matter, *Cala Homes v Secretary of State for Communities and Local Government* [2011] EWCA Civ 639.

In addition, the Minister Greg Clarke's letter of 30th June 2011 sent to the MP Andrew Selous reaffirmed that;

"The 'town centre first' policy will continue to be strongly expressed through the forthcoming National Planning Policy Framework."

In any event, it is clear when the policies of the draft presumption are applied to this specific application, the criteria set out in the policies referred to in the OR are not of direct relevance to this current planning application.

The first bullet point, to

"Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes."

refers to the preparation of local plans, which has relevance to issues relating to the emerging Core Strategy (CS) for the Council, which is discussed in more detail below, but is of no direct relevance to the current application, whilst the second bullet point refers to the approval of proposals that accord with statutory plans (i.e. the Development Plan). This is simply a restatement of the current policy approach to the determination of planning applications and is nothing new.

The third bullet point referred to in the OR, is to

"Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date".

However, despite citing this policy, the OR is silent as to whether it applies to the policies that make up the Development Plan. The RSS, the East of England Plan (EEP) was adopted in 2008, the South Bedfordshire Structure Plan (SBSP) in 2011, and the Core Strategy is well advanced and due for adoption in May 2012. Luton has just withdrawn from the CS, but the policies on the town centre have been largely unchanged for several years.

The most relevant national planning policy statement, PPS4, Planning for Sustainable Economic Growth was published in 2009. Given this, it is difficult to see the immediate relevance of the third bullet point to the determination of this current application.

In summary, the conclusion drawn in the OR that;

“...the draft wording of the presumption in favour of sustainable development lends a degree of support to the proposal.”

is hard to reconcile with the specific policy issues that are of direct relevance to this application. In planning terms, any weight that may be given to these policies is very limited, and should not be interpreted as determinative.

PPS4 – Planning for Sustainable Economic Growth.

The starting point for the assessment of this application should be the policy considerations and objectives set out in PPS4, because, as the Statement advises, the policies in PPS4;

“...are a material consideration which must be taken into account in development management decisions, where relevant.” (PPS4 para. 3)

Paragraph 9 states that the Government's overarching objective is sustainable economic growth, which is defined as;

“Growth that can be sustained and is within environmental limits, but also enhances environmental and social welfare...” (footnote to para. 9)

Paragraph 10 of the Statement sets out the objectives of the guidance, which include, reducing the need to travel, especially by car, and the promotion of the vitality and viability of town centres.

This latter objective will be achieved, inter alia, by focusing new economic growth and the development of main town centre uses in existing centres and the promotion of competition between retailers through the provision of shopping and leisure in town centres, which allows genuine choice to meet the needs of the entire community.

It is against this overall policy framework that the specific policies of PPS4 have to be interpreted and against which the current application should be assessed. As paragraph 3 of the Statement makes clear;

“The development management policies in the PPS can be applied directly by the decision maker when determining planning applications.”

Policy EC14 of PPS4 requires a sequential assessment to be undertaken for applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan, and Policy EC16 additionally requires an impact assessment in such circumstances.

Policy EC17 states that such proposals (for main town centre uses not in a centre and not in accordance with an up to date development plan) should be refused planning permission where either compliance with the requirements of the sequential approach is not met or where there is clear evidence of significant adverse impacts as set out in policies EC10.2 and EC16.1.

The OR makes reference to such an impact assessment prepared by consultants acting

on behalf of the applicants, submitted “in response to this requirement”, which would appear to be the requirement pursuant to Policy EC16.

There thus seems to be an acceptance on the part of the applicant and/or the Council that the development proposal is both for a main town centre use not in a town centre (which appears to be unarguable), and, more significantly, that the development proposal is not in accordance with an up to date development plan.

Given this apparent acknowledgement, there is a clear inconsistency between this and the view expressed in the OR that;

“... the new development would accord with policies in the development plan...” (OR p49)

East of England Plan 2008 (EEP)

The only policy from the EEP referred to in the OR is Policy E1, which sets a target for the creation of 23,000 jobs in the Luton S Beds area over the Plan period 2001-2021. The OR states that the proposed scheme will create a total of 84 additional full and part time jobs, which it accepts is “modest”. (This figure is the Tesco jobs, 140, minus the loss of the Homebase jobs).

No indication is provided as to the breakdown of the 84 posts into full-time equivalents, and in any event, these posts would be created irrespective of location. That is, an outlet of a similar size would produce the same number of jobs whether located out of town or in the town centre. Tesco is announcing 140 new jobs of which 75% are part time and 25% full time.

(A study by the National Retail Planning Forum in 1998 of 93 new superstores found that each one resulted in a net loss of 270 jobs. In Accrington, Tesco promised 450 jobs during the planning process yet once the new store was opened it only advertised for 191 staff. http://www.lancashiretelegraph.co.uk/news/8489610.Fewer_jobs_on_offer_at_Accrington_s_new_Tesco_store/?ref=rss).

Impact on the town

The loss of Homebase will harm the DIY offer to the town which is currently good and so result in more people travelling outside the town. –“Savills consider that the combined implications would have no significant impact on the town centre, but would be likely to slightly prejudice its vitality and viability.” We understand that Homebase opposed to the Tesco application.

In addition, we question the assertion that: "The range of shopping and service facilities is good". There is a real shortage of shortage of clothing shops in the town centre – only 9% of money spent on clothes and footwear is spent in the town(Borough Retail Study 2005). An ILLB survey of 850 people in 2008 found that 94% wanted a larger range of clothing and footwear. Tesco states that it will only sell the lower end of the range

The ILLB group in its submission state: “For one store to have as large a percentage of comparison good sales is unrealistic for the viability of the town centre shops. There is not the evidence that the offer that Tesco wants to have (depending on the size) will come from Milton Keynes. It is more than likely to come at the expense of the town centre shops as seems to be the case in most other towns.

Being located at an out of town centre site does not provide the customer the choice of comparison with other stores as is possible in a town centre with a wider range of goods.

On the subject of linked trips, the OR refers to a figure of 42 % linked trips – this survey has not been made available for public scrutiny as part of the planning application, but is quoted in the Savills Report at para 5.8.

“A compensating factor is that new customers drawn into the centre will almost certainly engage in associated shopping trips into the central area. Survey information collected at the Tesco store in June 2010 showed that some 42% of customers visiting the store undertook linked trips and that it would be reasonable to assume that most if not all such trips were into Leighton Buzzard Town Centre. Further research material supplied to us by Tesco’s consultant in relation to another proposal at Sandy confirms that a store located some 400 metres from the primary shopping area in a nearby centre would give rise to a significant number of linked trips and confirms the above survey results. One has to be careful not to over-state this phenomenon in the current circumstances. The Tesco store is already substantially over trading and insofar as the proposed extension is merely mopping up this expenditure the proposed extension would not give rise to additional linked trips. There is no information in the Assessment to permit a calculation of the retail sales value of such trips.”

The Tesco linked trips survey has not been subject to independent scrutiny or review, and the percentage reported (42%) is almost double that of a figure (22%) accepted by an Inspector at an appeal inquiry in 2003 for a similar application at the same site.

Disaggregation –

There is an element of uncertainty on this point in the OR (p59), which states;

“However, Savills add a note of caution. The exercise conducted by MRPP assumes a continuing sales capacity of £3.16M per annum for the extension when the tendency would be for the turnover ratio to climb towards the company average with the effect of substantially reducing expenditure capacity. Savills argue that the above table (combining the Tesco and town centre schemes) assumes that change has taken place by 2016 and is, therefore, a robust illustration of capacity at that date, namely a difference of 330m² between the convenience floorspace to be provided in the combined schemes (1,807m²) and the convenience floorspace requirement at 2016 (1,477m²). Insofar as the extension turnover would not have reached the company average, the difference between the two figures would be correspondingly less. The implications of these circumstances would be two-fold - firstly, reduced sales in the other main supermarket outlets and secondly, less than sufficient retail need to support the convenience element of the anchor store at 2016. Notwithstanding their note of caution, it is Savills’ view that the scale of the overall difference between the two figures and its spread suggests very limited trading implications for the vitality and viability of the town centre.”

Furthermore, the Savills Report fails to take into consideration a planning application for East Leighton-Linslade for 2,500 houses with a 2,000m² supermarket. The likely impact of this development on capacity for convenience and comparison has not been taken into account in either Retail Assessments.

South Bedfordshire Local Plan Review 2004

The OR makes specific reference to Policy SD1 and states that the proposal clearly accords with the policies of SD1.

As the Review was undertaken in 2004, its policies have now been superceded by those set out in PPS4 released in 2009. As such, very limited weight, if any, can be afforded to Policy SD.1

Emerging Core Strategy (CS)

It is surprising that the OR makes no specific reference to the emerging CS, which is timetabled for adoption by May 2012. The draft CS has already been out for public consultation and been subject to a preliminary assessment by an Inspector responsible for assessing its soundness. As such the emerging CS is clearly a material consideration to be taken into account in the determination of this application, and should be afforded due weight.

Draft Policy CS21 considers the planned development of Leighton-Linslade Town Centre and states that Development Briefs will be prepared to guide, enable and facilitate the delivery of mixed-use development on 2 sites, one within and one adjoining the town centre. Part of the proposed mixed-use development consists of the provision of up to 6,889m² of retail floor space.

The draft policy further states that development proposals must have regard to these objectives and that any development proposals submitted in advance of the production of Development Briefs will need to demonstrate that they would not prejudice the provision of such uses. One of the preferred options, the development of land South of the High Street, subject to recent public consultation, identifies the provision of an anchor store of some 2,400m² and other retail outlets of up to 2,850m².

Whilst the OR places significant weight on 2 Retail Assessments (one undertaken by the Applicant and another by the Council itself), both of which conclude that the development of the current scheme would not prejudice town centre development plans, such conclusions should be approached with a high degree of caution.

It is unclear from the OR as to how up to date the data upon which growth projections are based actually are. At the time of writing, retail sales figures and projections for retail growth are subject to a high degree of uncertainty and flux. Data released by the British Retail Consortium (BRC) on 11 July 2011 record retail sales growth of 1.5% for the period June 2010-June 2011. The Director General of the BRC in commenting on the figures referred to a "spate of shop closures" and "weak company figures" over the period in question. He also pointed out that the higher VAT rate was responsible for making the year on year comparison "better than it really is". Figures for inflation released by the Office for National Statistics (ONS) on 12 July 2011 show a slight fall to 4.2% from 4.5%.

The OR accepts that the current proposed scheme clearly overlaps with the retail development proposals for the Land South of the High Street, and the Council's own consultants, Savills, suggest "very limited trading implications for the vitality and viability of the town centre". However, this conclusion should be tested against the most up to date figures available, not those which may already have been overtaken by recent developments.

The OR advises that;

“Allowing the new extension would not materially impact on the redevelopment proposals at Land South of High Street. There is no substantive evidence to suggest that the scheme would fail to proceed if permission were to be granted.” (OR p61)

In the current retail climate there can be no such certainty, and a more precautionary approach should be adopted, particularly when a proposed scheme risks prejudicing an emerging plan which is based on a high degree of public participation.

Conclusion

In conclusion, the application is not in accordance with the Development Plan. As such the application can only be approved in circumstances where the benefits of the proposal clearly outweigh the disbenefits of the scheme. This remains the correct policy position irrespective of the draft presumption in favour of sustainable growth published by DCLG in June. Whilst the presumption may come into effect in the future, at the present time planning applications must be determined in accordance with adopted policies and guidance.

The benefits of the proposal will largely accrue to the applicant company, in that it will improve its overtrading situation, which is the stated purpose of the planning application.

Set against this is are the likely adverse impacts of the development on the emerging plan for the town centre and likely adverse impacts on the viability and vitality of the town centre at a time of great uncertainty as to growth of the retail sector. At a time of low consumer confidence, falling disposable incomes, restrictions on consumer credit and stagnant retail growth, there is a very real risk that were this application to be approved adverse impacts on the town centre would be of a far greater magnitude than those projected in the retail assessments.

For these reasons and those set out above, this application should be refused.

Yours sincerely,

Charlie Hopkins MA (Oxon) Dip Law Solicitor (Non-Practicing)

Planning & Environmental Consultant

Submitted on behalf of South Bedfordshire Friends of the Earth

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1. Presumption in favour of sustainable development. (Planning Officers Report)

Plan for Growth “to achieve strong, sustainable and balanced growth that is more evenly shared across the country and between industries”

Leighton-Linslade has half of its disposable income spent on comparison goods spent in Milton Keynes – that is £70 million. 40% is spent in the town. That is not balanced. And the retail industry balance is skewed as the town has not the range of clothing stores it needs as over half of this income £35 million is the main reason that MK is used.

The Government proposes “radical changes to the planning system to support job creation by introducing a powerful presumption in favour of sustainable development, opening up more land for development, while retaining existing controls on greenbelt land.”

The sequential test is that land in the town centre is priority with land on the edge of the town centre with good links next. Out of town centre sites and out of town sites are not favoured. Tesco is an out of town site – PPS 4, Planning Inspectorate, ILLB, GRPS, Homebase agree that it is. Leighton-Linslade has two preferable sites and has done since the mid seventies. Between the two is 750,000 square feet of land both have good links and are central to the community.

LPA’s should “Prepare local plans on the basis that objectively assessed development needs should be met and with sufficient flexibility to respond to rapid shifts in demand or other economic changes.”

To assume that the Tesco application would be the best in the short term – simply because it is there, Tesco can pay for it and it causes less work for the Council seems to be the basis for the recommendation. This is not objective, certainly not for the people who live here. The problem for the town is much greater and the demand of the population is for more choice in shops which they have indicated in two surveys one official and one conducted by ILLB. This restricts choice. The town’s population would rather have a choice of shops here first than travel to Milton Keynes which is getting more expensive and would save them money. The Tesco bid does not meet this need the South Side does.

“Approve development proposals that accord with statutory plans without delay”

The South Side of the High Street potentially can be developed quite quickly. This is the preferred choice in the Government Policy and therefore the Council are obliged to do something about it. The rest of the land assembly should be possible. The Planners argue it would take time. South Bedfordshire had 20 years to do something about it but seemed to have had no political will to do so. With the potential of up to £70 million there should be little problem to get developers interested especially when the likes of Waitrose and M&S Simply Food have expressed interest. These two and a number of other retailers Tesco cannot compete against as their offer is lower quality and certainly does not have the kudos of these two brands. And if, as stated by the Planners, there is a higher number of ABC1 people in the town then they certainly will not go to Tesco when there are better offerings in the town centre. However, one must not forget the other social groups who are equally as important. The town centre as the hub of the local community is an essential part of the main Government and Central Bedfordshire plans, that means all and most people statistically are against the Tesco extension and the reverse is true for support for the South Side being developed most if not all people want it.

“Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

The local plans before were silent on the Tesco site for the simple reason- there are preferred sites, therefore there is no reason to grant permission for this extension. The evidence against it is too strong, the two sites of South Side and Bridge Meadow are the best candidates and the Council has spent time and money to look at these two sites.

“The Tesco site is one of the most sustainable locations in the urban area and the proposal clearly accords with the policy of SD1”

The Tesco site is clearly not one of the most sustainable in the urban area. The LPA has clearly of the mind that this is a site that be done quickly without too much cost to Central Bedfordshire and that the better preferable sites would take longer whilst admitting that the apart from the time factor the Planning Officers have concluded that apart from the time and land issues “the site is clearly suitable” and totally disregarded the Planning Policy Schedules which are still the statutory regulations. Tesco is across the river from the bulk of the town; there are huge problems with reaching Tesco without use of a car and **20% of households do not have a car and two thirds of the population live across the**

river from Tesco. The town centre site for retail is much better and sustainable – everybody can reach it.

Job Growth. The Tesco proposal if it goes ahead would mean the demolition of Homebase and the loss of 56 jobs at the very least (Homebase also state that cleaning and contractual jobs will also be lost) and there would be a net gain of 84 jobs full and part-time. In other towns where supermarket development has been unchecked there is a loss of jobs in the immediate area, shops staff, accountants, window cleaners. And Tesco make job promises and rarely keep them. In one town – Accrington- they promised over 400 jobs and took on 191, most of the store staff from the branch they closed. There has been too much assumption that Tesco are right.

However, if the South Side was developed then the jobs created would be positive with a number of retailers brought in and more and better job opportunities for the local people with the knock on effect that the existing town centre shops will take on extra staff and the few empty units would be rented out.

LPA's should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

A lot of the land on the South Side is Council owned land. There is little reason why this should not be put forward as the preferred option as there will be much better opportunities for the town here than Tesco.

Sustainable development for Leighton Linlade is long term thinking. Sustainable is making sure that the population of here and the local villages in our catchment area has the fullest range of shops and services to make sure the town is self sufficient for day to day needs for everybody. With fuel prices going up and the costs of just surviving going up then it is the duty of Central Bedfordshire to find, with consultation with the public, the best solution in the long term.

The people of Leighton Linlade want a greater range of shops to cover the mix from lower cost and quality to the higher end where they can get to easy and cheaply and to use Milton Keynes as the second choice. This means a greater range of shops to improve what we have already which the South Side will deliver. The Tesco extension will not fulfil this – we have to get the people and their money back into the local economy not going off to Milton Keynes which is another area altogether. The Tesco extension is not the right way for the town and using the argument that it can be done quickly and only fulfils part of the needs of the town is frankly wrong. Please read the Planning Inspectors Report.

“In all other matters raised by consultantees’ and other interested parties have been taken into account in consideration of this recommendation but have not been material enough as to lead to an alternative recommendation for refusal” Planning Officers Report page 64.

A major rebuttal of the Tesco Planning and Retail Assessment written by Martin Robeson on behalf of Tesco, prepared by ILLB Group using evidence from Retail Study by WYG for South Bedfordshire, Retail studies for Milton Keynes Borough and Aylesbury Vale, site visits and other extensive research, actually going through each paragraph of the Robeson report to challenge the evidence. Handed in to Central Bedfordshire Planning in January 2011. Not included in the evidence for the Development Planning Committee.

Planning for a Vibrant Leighton Buzzard an extensive document outlining the various PPS 4 sections, reasons, based on PPS4 and other planning criteria, of refusals of other supermarkets in other parts of the country and demonstrating the errors and omissions of Tesco in their application and the reasons behind the Planning Inspectors report on the dismissal of Tesco’s appeal for a similar attempt in 2003, another document (Planning Inspectors) not included in evidence.. A document, professionally printed by a local firm, given to all members of the Development Planning Committee, Leighton Linslade Town Council, Central Bedfordshire Planning (2), Andrew Selous MP and the Leighton Buzzard Observer and copies sent to Tescopoly and interested groups who are also resisting Tesco and other supermarkets.

Numerous objection letters from around the town which only a portion of these were listed and no indication of the actual numbers published in the report which must run to over 100.

Objection letters from the Leighton Buzzard Society a well established group in the town dedicated to making Leighton-Linslade a better place. National Federation of Market Traders who represents the twice weekly market in Leighton Buzzard which has existed for over 1000 years

A petition of over 2,000 signatories against the Tesco proposal

A postcard created by Friends of the Earth asking interested people to fill in name address and their stated objection on planning grounds. 400 completed in less than two hours

A postcard to ask Central Bedfordshire to put the South Side proposal as the major development just under 200 completed in less than a few hours. Similar number to Leighton Linslade Town Council

A simple poll in the Leighton Buzzard Observer which ran for several weeks with nearly 1,000 replies on-line and by special post box in a Leighton Buzzard shop which came out at around 80% against the extension with numerous comments.

A report from GR Planning Services for Homebase backing up the claims of the ILLB Group and very critical of the Martin Robeson report.

The major pieces of work are extensive researched documents sourced and presented in an even-handed approach. These are robust documents. The views of the people of Leighton Buzzard are dismissed even though they are on sound planning grounds, not technically backed up but are their own observations – these people are not stupid and they are the people that the council work for. They want choice and most want Homebase to stay. And they expect the council to do the right thing and robustly back up their concerns.

In a poll conducted in Tesco’s own store over a few days with thousands of customers there only 142 people bothered to fill out the form and of the legitimate forms 60% were against the Tesco extension.

Lastly. Gallup Polls conduct surveys in the USA, scientifically worked out admittedly, using between 1,000 and 1,500 people to represent the views of over 200 million adults in that country and are usually right. We have over 1,000 people who have expressed a view and over 75% are against the Tesco extension, and is statistically correct in assuming 75%+ of the adult population, 27,000 total at last estimate, the majority do not want the Tesco extension which correlates to the national picture that 30% of people use Tesco in the UK – 70% do not.

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Noise and Disturbance

The residents of Vimy Road have complained about the noise coming from the Tesco yard, especially at night. Homebase do not have lorries after store hours therefore Tesco is the culprit.

The noise levels are above legal limits and that if Homebase goes there will be more.

Tesco would have to be very diligent to reduce the noise coming from their yard at all hours. There would be a greater number of deliveries to the enlarged Tesco if they get the go ahead.

Traffic generation and Sustainable Transport

The loss of Homebase will not reduce the traffic to Tesco.

There will not be more linked trips to the town centre. The figure of 42% from a Tesco survey actually too high and there is no way to check the verification of this survey as it is not available for public consultation. The Planning Inspector stated that he was satisfied with about 22% of linked trips, which in our mind is still too high. Tesco in 2000 stated 35% linked trips so how the percentage has increased is baffling.

The Tesco proposals and the assessments that they have made are not robust enough. To do a traffic survey and use two hours is ludicrous. A colleague who actually works for contractors for the Department of Transport states that it is totally inadequate and is not correct.

Also the Transport Officers stating that the entrances and exits of Tesco are adequate can be seen to be utterly wrong.

We submit some photographs of the various exits and entrances.

Main Entrance



Petrol Station entrance



Petrol station exit looking north



Petrol Station looking south



Looking south to petrol station entrance/exit



Middle exit



Middle Exit looking south



Middle Exit Looking North



Top Exit



Top Exit looking south



Top Exit looking north



Looking at these pictures from a height of about 66 inches slightly higher than a car driver the Transport Officers remarks seem very strange. The above photograph leads up to Vimy Road and the estate behind. The fence belongs to the building on the right. The middle exit gives a very good range of vision to get out. The petrol station entrance and exit is very difficult to get out of and is by far the busiest as a lot of cars use the petrol station but do not use the supermarket car park.

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Homebase's critique of the Tesco Planning and Retail Assessment

Homebase do not want to move.

Reasons

1. The store is profitable
2. It would be very expensive and quite difficult to find a suitable site to accommodate the store seeing as it is 4,900 square metres of selling space and 900 sq metres back area and would need considerable car parking.
3. That as the dominant DIY outlet in town it retains the consumers spend pretty much in the area.
4. The loss of Homebase would be a loss to the town and reduce choice
5. That people would be forced to go elsewhere for their DIY needs and goes against Government policy to reduce the use of cars
6. It would harm the retail profile of the town and reduce the qualitative non-food offer
7. Most of the £14 million spend which around half is Homebase (ILLB calculations, certainly not less than £4 million) on Home Improvement will go out of town.
8. Loss of 56 full and part time positions in actual floor staff and additional service personnel such as cleaners and contractors
9. And the impact will also be felt on the town centre shops and reduce employment there as well.

Retail implications

That the Planning and Retail Assessment by Martin Robeson is “full of contradictions as well as assumptions that are not fully justified, with parts of the analysis either incomplete or flawed”

1. That the overtrading is only mitigated by a third of the planned expansion space to convenience even though they are arguing for a larger area to compensate
2. That this could be disaggregated by either a new 1000 square metre store in the town centre either through Tesco or another store fascia
3. Tesco have not offered any “flexibility” in the proposal as required in PPS4
4. That the requirement that Tesco disaggregates the comparison into another site is not taken into consideration
5. The sequential test as set out by Tesco is incomplete and does not satisfy any of the criteria therefore is not compliant
6. GRP, through their own experience in preparing these documents cannot agree at all with Martin Robeson's assertion that no turnover will be taken from the town centre and is not credible and realistic and that the evidence to support this theory is not there.
7. That to offset some of the Homebase loss that some of it will be taken up by Tesco through comparable lines is not true. Only about 20% will. Therefore the figures that MR comes up with are not true and the assumption is not right.
8. Also the choice and quality and the price range of Homebase goods is far greater than Tesco.
9. GRP conclude that most of not all this trade will go out of town.

False information from Tesco

Tesco were spreading rumours that Homebase were looking for a new home in the town and with this information would they sign a petition supporting the Tesco expansion.

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